

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-03104-01-CR-S-RK
)	
)	
SCOTT GOODWIN-BEY,)	
)	
Defendant.)	

ORDER

On May 26, 2016, Magistrate Judge David P. Rush issued his Report and Recommendation (doc. 54) concluding that the Court should deny Defendant Scott Goodwin-Bey's Motion to Suppress (doc. 42). Defendant Goodwin-Bey objects to the Report, asserting that Sergeant Laub, who conducted the stop of the Defendant's vehicle, "did not have specific and articulable facts to support the reasonable suspicion that Defendant was, or was about to, be involved in criminal activity." (Doc. 55.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted an independent review of Judge Rush's Report, the parties' filings before and after the Report, as well as the transcript of the evidentiary hearing on Defendant Goodwin-Bey's motion held before Judge Rush on April 5, 2016.

Notably, the Eighth Circuit has held that the requisite reasonable suspicion of criminal activity can include a misdemeanor offense. *See* Mo. Rev. Stat. § 574.010 (the crime of peace disturbance is a misdemeanor); *see e.g., United States v. Givens*, 763 F.3d 987, 990-92 (8th Cir. 2014) ("It is not uncommon for officers to stop vehicles due to the lack of an apparent temporary registration tag, and such stops are generally upheld as supported by reasonable suspicion."); *United States v. Banks*, 553 F.3d 1101, 1104 (8th Cir. 2009) (holding that a police officer had a reasonable, articulable suspicion of criminal activity, even if it was for a petty misdemeanor that did not authorize a custodial arrest).

Accordingly, with this additional authority, the Court concurs in Judge Rush's findings of fact and recommendation to deny Defendant's Motion to Suppress in full.

IT IS THEREFORE ORDERED that the report and recommendation of Magistrate Judge David P. Rush (doc. 54) is ADOPTED. It is further

ORDERED that Defendant Scott Goodwin-Bey's objections (doc. 55) are OVERRULED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: July 11, 2016